

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

Stephen Talbert,	)	C/A No.: 7:08-cv-03414-GRA
	)	
Plaintiffs,	)	
	)	
v.	)	ORDER
	)	(Written Opinion)
Standard Fire Insurance Company,	)	
	)	
Defendants.	)	
	)	

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This matter comes before the Court on a motion of the parties to remand.

This action was removed from the Spartanburg County Court of Common Pleas on October 7, 2008 pursuant to 28 U.S.C. § 1441. The defendant based removal on 18 U.S.C. § 1332, alleging diversity of citizenship and an amount in controversy in excess of \$75,000. Since removing the case the parties have stipulated that the amount in controversy is now below the \$75,000 threshold, and requested this case be remanded to state court.

The plaintiff's complaint did not specifically enumerate an amount in controversy in excess of \$75,000. Accordingly, the subsequent stipulation between the parties served as a clarifying instrument. *See Workman v. Kawasaki Motors Corp., U.S.A.*, 749 F.Supp. 1010, 1011 (W.D.Mo.1990) (explaining that the stipulation created a "legal certainty" that the amount in controversy was below the jurisdictional threshold). Accordingly, as this Court has no jurisdiction under 18 U.S.C. § 1332, this case is hereby REMANDED to the Spartanburg

County Court of Common Pleas. Subsequent scheduled hearings before this Court in this case are canceled.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", written over a horizontal line.

G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

January 14, 2009